

FACTSHEET

TITLE: **STREET VACATION NO. 01015**, requested by Kent Seacrest on behalf of the property owners, to vacate the South 91st Street right-of-way located between Pine Lake Road and Nebraska Highway 2.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan

ASSOCIATED REQUESTS: Annexation No. 01006 (01-154); Declaration of Surplus Property (01-155); Change of Zone No. 3320 (01-157); Change of Zone No. 3285 (01-158); Preliminary Plat No. 01006, Appian Way (01R-278); and Use Permit No. 140 (01R-279).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/03/01
Administrative Action: 10/03/01

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (7-0: Newman, Duvall, Taylor, Steward, Carlson, Hunter and Schwinn voting 'yes'; Bills and Krieser absent).

FINDINGS OF FACT:

1. The associated Annexation No. 01006, Change of Zone No. 3320, Change of Zone No. 3285, the Appian Way Preliminary Plat No. 01006 and Use Permit No. 140 were heard at the same time before the Planning Commission on September 19, 2001. This associated street vacation was heard by the Planning Commission on October 3, 2001.
2. The staff recommendation to find the proposed street vacation to be in conformance with the 1994 Lincoln City-Lancaster County Comprehensive plan is based upon the following analysis:
 - A. The Comprehensive Plan shows S. 91st Street being relocated to the east of its current location. The relocation will provide better visibility and a right angle intersection with Highway 2.
 - B. The Department of Public Works & Utilities recommends approval of this vacation.
 - C. If this vacation is approved, the sale should be subject to the condition that a public access easement is retained over the area of vacation until the new alignment of S. 91st Street is ~~constructed~~dedicated.
(As revised by Staff and approved by Planning Commission, 10/03/01**)**
3. During the public hearing on October 3, 2001, the staff revised Analysis #C as set forth above.
4. The minutes of the public hearing before Planning Commission are found on p.5. There was no testimony in opposition.
5. On October 3, 2001, the Planning Commission voted 7-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan.
6. **Please Note:** Annexation is a condition of approval of this street vacation. Therefore, Annexation No. 01006 (01-154) must be acted upon prior to any action taken on this street vacation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 15, 2001

REVIEWED BY: _____

DATE: October 15, 2001

REFERENCE NUMBER: FS\CC\FSV01015

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation #01015 **DATE:** September 14, 2001
****As Revised by staff and approved by Planning Commission, 10/03/01****

PROPOSAL: To vacate S. 91st Street between Pine Lake Road and Highway 2.

LAND AREA: 396,454 square feet, more or less (9.1 acres)

CONCLUSION: Approving this street vacation is consistent with the realignment of S. 91st Street shown in the Southeast Lincoln/Highway 2 Subarea Plan and the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The South 91st Street right of way located between Pine Lake Road and Nebraska Highway 2, located in Section 23, T9N, R7E, Lancaster County, Nebraska.

LOCATION: S. 91st Street and Highway 2

APPLICANTS:

Andermatt L.L.C.
Kelvin Korver
16800 Pella Road
Adams, NE 68301

Westcor, L.L.C
Attn: Judy A. Krasomil
1810 S. 40th Street
Lincoln, NE 68506

Eiger Corporation
Greg Sutton, President

OWNERS: same

SURROUNDING LAND USE AND ZONING:

North:	R-3, AG and AGR	Vintage Heights C.U.P., fields and acreages
South:	AG, AGR, and others	Fields, acreages, and Cheney
East:	AG	Fields
West:	AG	Open land currently being graded for development

ASSOCIATED APPLICATIONS: Annexation #01006, Change of Zone #3320 (AG to R-3), Change of Zone #3285 (AG to B-5), Preliminary Plat #01006, and Use Permit #140.

COMPREHENSIVE PLAN SPECIFICATIONS: The current alignment of S. 91st Street is not classified in the Functional Street and Road Classification. The S. 91st Street alignment shown in the Southeast Lincoln/Highway 2 Subarea Plan and the Future Functional Street and Road Classification is identified as a Minor Arterial.

Page 38 of the Southeast Lincoln/Highway 2 Subarea Plan states:

Relocate Yankee Hill Road and S. 91st Street as shown on Figure 6 so that there is a continuous road from 84th and Yankee Hill Road heading northeast toward 91st and Highway 2 then north to Pine Lake Road. Instead of having both streets intersect Highway 2 at two skewed locations, this new alignment will provide better visibility and one safer right angle intersection at Highway 2.

HISTORY:

Nov. 1994	The 1994 Lincoln/Lancaster County Comprehensive Plan is adopted including a potential regional commercial center at 84 th and Highway 2.
Nov. 1997	A draft 84 th & Highway 2 Subarea Plan is submitted without traffic, environmental and other studies. The draft subarea plan is deferred until the studies are completed.
Sept. 2000	Kent Seacrest, on behalf of Andermatt LLC, submits a draft subarea plan, change of zone and associated studies related to the request for a regional commercial center at 84 th & Highway 2.
May 2001	The 84 th & Highway 2 Subarea Plan is adopted, including a regional commercial center with 1.9 million square feet of floor area.
Aug. 30, 2001	A signed Annexation Agreement is delivered to the Planning Department.
Sept. 19, 2001	Annexation #01006, Change of Zone #3320 (AG to R-3), Change of Zone #3285 (AG to B-5), Preliminary Plat #01006, and Use Permit #140 appear before the Planning Commission. Approval of this street vacation is a condition of approval for the Preliminary Plat and Use Permit.

UTILITIES: The Department of Public Works & Utilities has not yet received comments from the utility companies. Easements will be required for any existing utilities in the proposed vacation corridor until the utilities are relocated and the area is developed.

TRAFFIC ANALYSIS: The realigned S. 91st St. is classified as a minor arterial in the Comprehensive Plan.

AESTHETIC CONSIDERATIONS: The relocated S. 91st Street is a Public Way Corridor. Public way corridors are designed to create a positive physical image for the community; promote safe and comfortable travel by pedestrians and cyclists; and provide attractive landscaping.

ALTERNATIVE USES: None that would be in conformance with the Comprehensive Plan.

ANALYSIS:

1. The Comprehensive Plan shows S. 91st Street being relocated to the east of its current location. The relocation will provide better visibility and a right angle intersection with Highway 2.
2. The Department of Public Works & Utilities recommends approval of this vacation.
3. If this vacation is approved, the sale should be subject to the condition that a public access easement is retained over the area of vacation until the new alignment of S. 91st Street is ~~constructed~~dedicated. (****As revised by Staff and approved by Planning Commission, 10/03/01****)

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 The area must be annexed into the City of Lincoln.

Prepared by:

Jason Reynolds
Planner

STREET AND ALLEY VACATION NO. 01015

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 3, 2001

Members present: Newman, Duvall, Taylor, Steward, Carlson, Hunter and Schwinn; Bills and Krieser absent.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

This application was removed from the Consent Agenda and had separate public hearing at the request of the staff.

Jason Reynolds of the Planning staff requested that Analysis #3 be revised: "If this vacation is approved, the sale should be subject to the condition that a public access easement is retained over the area of vacation until the new alignment of S. 91st Street is ~~constructed~~ dedicated." This brings the street vacation into conformance with the Annexation Agreement associated with the 84th & Hwy 2 Annexation No. 01006.

Proponents

1. DaNay Kalkowski testified on behalf of the applicants, **Eiger and Andermatt**. She believes the staff report does a good job explaining this request because the developer will be dedicating new right-of-way.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 3, 2001

Duvall moved to find the proposed street vacation to be in conformance with the Comprehensive Plan, with the revision to Analysis #3, seconded by Hunter and carried 7-0: Newman, Duvall, Taylor, Steward, Carlson, Hunter and Schwinn voting 'yes'; Bills and Krieser absent.

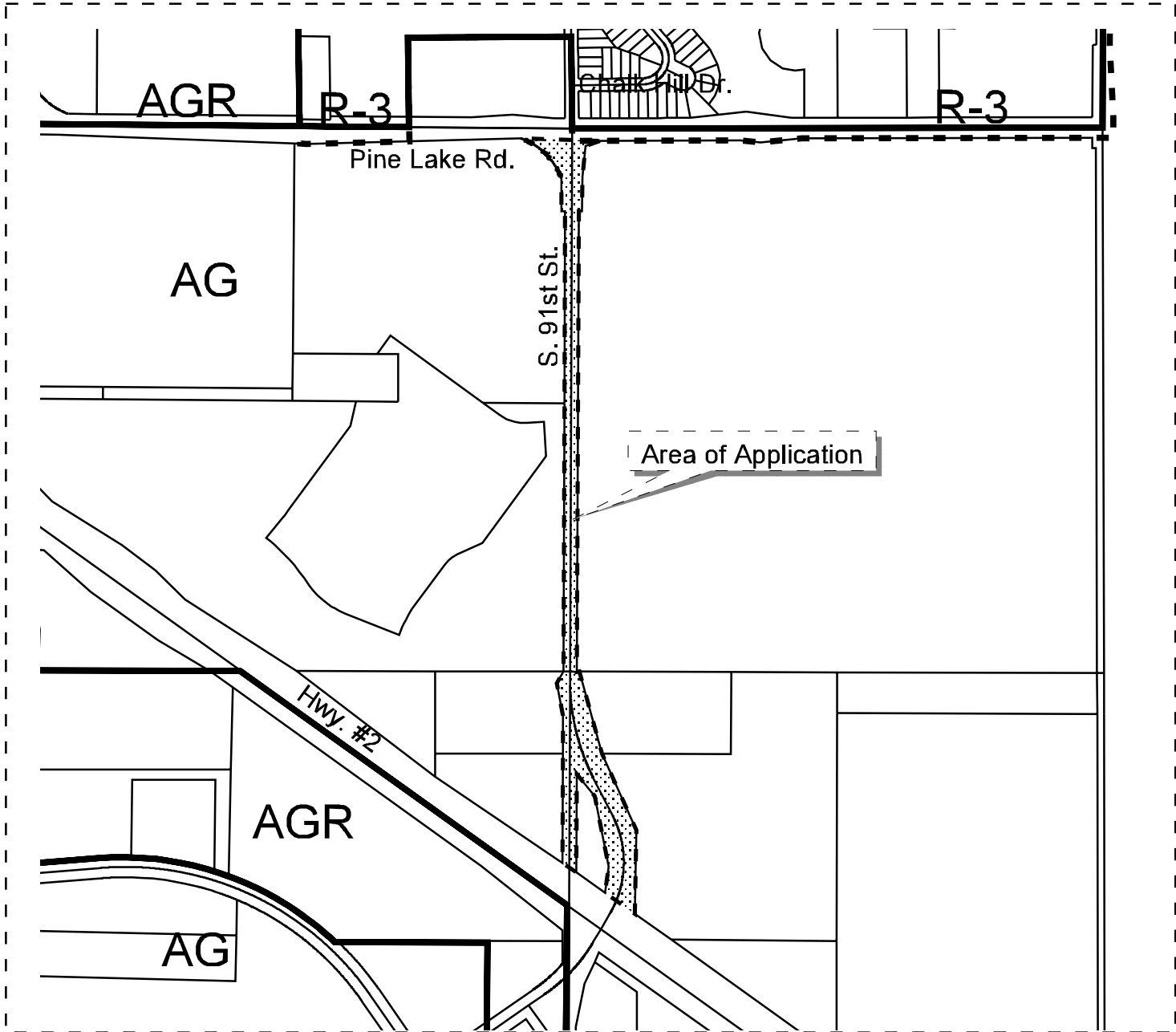


Street & Alley Vacation #01015
S. 91st between Pine Lake Rd & Hwy #2



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

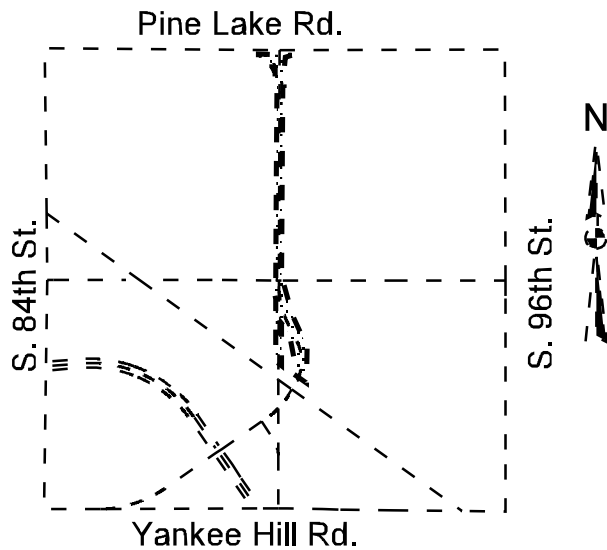
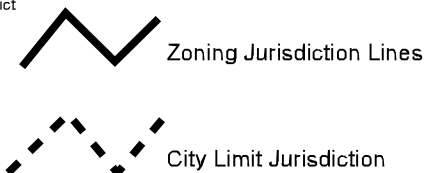


Street & Alley Vacation #01015 S. 91st between Pine Lake Rd & Hwy #2

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 23 T9N R7E

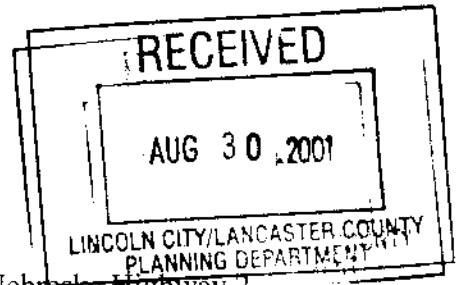


Lincoln



Nebraska's Capital City

August 29, 2001



Lincoln City/Lancaster County
Planning Commission
Lincoln, Nebraska 68508

RE: Vacation of South 91st Street Between Pine Lake Road and Nebraska Highway 2

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received sufficient and proper petitions from Greg Sutton, managing member of Andermatt, LLC, owners of Lots 71, 72, 82, 91 and 92, Irregular tracts located in Section 23, Township 9 North, Range 7 East, and Judy A. Krasomil, manager of WestCor, LLC, owners of Lots 84 and 87, Irregular tracts located in Section 23, Township 9 North, Range 7 East, to vacate the above described public right-of-way. Petitioners have requested this vacation for the realignment of South 91st Street and development of the properties in accordance with the Comprehensive Plan and the proposed plat of the abutting property.

Comments from the utility companies have not been received. Easements will be required for any existing utilities in the proposed vacation corridor until the utilities are relocated and the area is developed. This street is presently outside City limits.

Public Works recommends approval of this vacation request. This vacation contains an area of 396,453.9 square feet, more or less.

Sincerely,

Byron Blum
Engineering Services

SO91VAC tlm wpd

cc: Allan Abbott
Ann Harrell
Kathleen Sellman
Marc Wuilschleger
Roger Figard
Joan Ross
Clint Thomas
Dana Roper
Nicole Fleck-Tooze

AUG 31

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Jaosn Reynolds

DATE: 9/10/2001

DEPARTMENT: Planning

FROM: Jerry Hood

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Street Vacation
#01015

The Lincoln-Lancaster County Health Department has no objection to the closing of the present South 91st Street.

If there are any questions, please contact me at 441-8029.





Lancaster

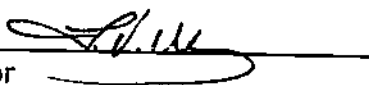
County

Engineering

Department

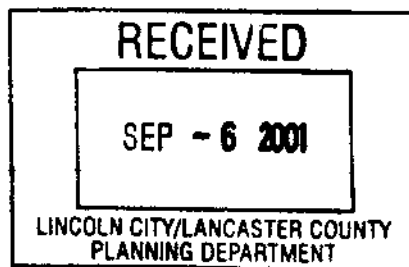
DON R. THOMAS - COUNTY ENGINEER

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

DATE: September 5, 2001
TO: Lancaster County
Board of Commissioners
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: RESOLUTION #R-01-73 VACATION OF S 91ST STREET
BETWEEN PINE LAKE ROAD AND HIGHWAY #2

Upon review, this office has no direct objections to the request subject to the following:

- 1) Title to South 91st Street not be transferred until finalization of an annexation agreement is completed for the dedication of a new alignment from the existing intersection of Highway #2 to Pine Lake Road.



cc: Jason Reynolds
Planning Department

LVW/cm
VACATION/S 91st St & Pine Lake Rd Study/Mem

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